

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MENTE CHEVROLET OLDSMOBILE, :
INC. F/K/A MENTE CHEVROLET, INC. :
t/a MENTE CHEVROLET : CIVIL ACTION
15032 Kutztown Road : By *Mic*
Kutztown, PA 19530 :
and :
MENTE CHRYSLER DODGE, INC. : NO. *08cv2403*
15040 Kutztown Road :
Kutztown, PA 19530 :
and :
DONALD M. MENDE :
12 Palmer Lane :
Kutztown, PA 19530 :
Plaintiffs :
v.
GMAC :
555 Business Center Drive :
Horsham, PA 19044 :
Defendants. :

2008
J *D*
Dep. Clerk

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Pursuant to 28 U.S.C. § 1441 and § 1446, defendant, GMAC, file this Notice of Removal of this action from the Court of Common Pleas, Berks County, Pennsylvania. As grounds for removal, GMAC states the following:

BASIS FOR REMOVAL

1. Plaintiffs, Mente Chevrolet Oldsmobile, Inc., F/K/A Mente Chevrolet, Inc. t/a Mente Chevrolet, and Mente Chrysler Dodge, Inc., and Donald M. Mente commenced this action on May 7, 2008 by filing a Complaint under the caption of Mente Chevrolet Oldsmobile, Inc., F/K/A Mente Chevrolet, Inc. t/a Mente Chevrolet and Mente Chrysler Dodge, Inc., and Donald M. Mente v. GMAC, in the Court of Common Pleas, Berks County, Pennsylvania No. 08-5514.

2. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, and orders received by defendants in the state court action are attached hereto as Exhibit "A."

3. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), in that it has been filed by GMAC within thirty (30) days after the receipt by the defendant of a copy of the initial pleading setting forth the claims for relief upon which plaintiffs' action is based.

BASIS FOR FEDERAL DIVERSITY JURISDICTION

4. This case is removable under 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case under 28 U.S.C. § 1332(a)(1).

5. At the time of filing the Complaint and this Notice of Removal, plaintiff Mente Chevrolet-Oldsmobile, Inc., F/K/A Mente Chevrolet, Inc. t/a Mente Chevrolet was and is a citizen of Pennsylvania, inasmuch as Mente Chevrolet "is a Pennsylvania Corporation, maintaining a place if business at 15032 Kutztown Road, Kutztown, Berks County, Pennsylvania 19530." Complaint ¶1.

6. At the time of filing the Complaint and this Notice of Removal, plaintiff Mente Chrysler Dodge, Inc. was and is a citizen of Pennsylvania, inasmuch as Mente Chevrolet "is a Pennsylvania Corporation, maintaining a place if business at 15040 Kutztown Road, Kutztown, Berks County, Pennsylvania." Complaint, ¶2.

7. At the time of filing the Complaint and this Notice of Removal, plaintiff Donald M. Mente was and is a citizen of Pennsylvania, inasmuch as Donald M. Mente "is an adult individual, residing at 12 Palmer Lane, Kutztown Berks County, Pennsylvania 19530." Complaint, ¶3.

8. At the time of the filing of the Complaint and this Notice of Removal, GMAC is and was a citizen of the states of Delaware and Michigan, inasmuch as it is a Delaware corporation with a principal place of business in the State of Michigan.

9. Accordingly, the diversity of citizenship requirement is satisfied. *See* 28 U.S.C. § 1332(a)(1).

10. Plaintiffs claim damages for breach of fiduciary duty, tortious interference with contractual relations, and breach of contract as set forth in full detail in the Complaint. Complaint, ¶¶ 92-95, 96-101 and 102-108.

11. The amount in controversy requirement is satisfied inasmuch as “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.” 28 U.S.C. § 1332(a).

REMOVAL TO THIS JURISDICTION IS PROPER

12. Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removal of this action from the Court of Common Pleas, Berks County, Pennsylvania to this Court is appropriate.

13. The removal of this action to this Court is proper under 28 U.S.C. § 1441(a), inasmuch as this Court sits in the judicial district and division embracing the county where the state action is pending. *See* 28 U.S.C. § 118(a).

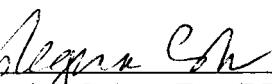
14. GMAC respectfully requests that this Court assume jurisdiction over this matter and issue such orders and processes as may be necessary to bring before it all the parties necessary for the trial hereof.

15. A true and correct copy of this Notice has been filed with the Court of Common Pleas, Berks County, Pennsylvania, as required by 28 U.S.C. § 1446. Written notice of the filing of this Notice of Removal and the removal of the above-referenced action is being delivered to plaintiffs’ counsel.

WHEREFORE, GMAC gives notice that the action now pending in the Court of Common Pleas of Berks County, Pennsylvania is hereby removed to this Honorable Court for trial and determination of all issues.

LAVIN, O'NEIL, RICCI, CEDRONE & DiSIPIO

BY:


Regina Cohen, Esq.(I.D. No 57272)
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Tel No. (215) 627-0303
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CERTIFICATE OF SERVICE

I, Regina Cohen, Esquire hereby certify that on this 22 day of May, 2008, a true and correct copy of the foregoing Notice of Removal was served upon all counsel listed below via U.S. Postal Service, first class mail/postage prepaid as follows:

Joseph A. O'Keefe, Esquire
15019 Kutztown Road
Kutztown, PA 19530

R. L. C.
MAY 22 2008
By _____
X _____
Regina Cohen, Esquire
Dep. Clerk

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